

11-05-04

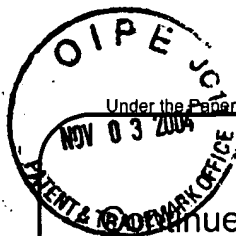
IPW RCE

1646

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                     |
|------------------------|---------------------|
| Application Number     | 09/904,766          |
| Filing Date            | 07/12/2001          |
| First Named Inventor   | Avi Ashkenazi       |
| Art Unit               | 1646                |
| Examiner Name          | Kemmerer, Elizabeth |
| Attorney Docket Number | 39780-1618P2C33     |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☒ Information Disclosure Statement (IDS)
- ii. ☒ Affidavit(s)/ Declaration(s) of Paul Polakis, Ph.D.
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-1641. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e) (Large Entity - \$790)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) (Large Entity - 1 Month Extension - \$110)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                    |                  |                  |
|-------------------|--------------------|------------------|------------------|
| Signature         | <i>Leslie Mooi</i> | Date             | November 3, 2004 |
| Name (Print/Type) | Leslie Mooi        | Registration No. | 37,047           |

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as EXPRESS mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. Express Mail No.: EL 976 543 868 US

|                   |                      |      |                  |
|-------------------|----------------------|------|------------------|
| Signature         | <i>Sylvia Rogers</i> | Date | November 3, 2004 |
| Name (Print/Type) | Sylvia Rogers        |      |                  |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc No. 2076565

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Practitioner's Docket No. 39780-1618 P2C33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                    |  |
|------------------------------------|--|
| In re application of:              | ) Examiner: Kemmerer, Elizabeth          |
| ASHKENAZI <i>et al.</i>            | ) Art Unit: 1646                         |
| Application Serial No.: 09/904,766 | ) Attorney's Docket No. 39780-1618 P2C33 |
| Filed: July 12, 2001               | ) Customer No. 35489                     |
| For: <b>PRO269 POLYPEPTIDES</b>    | ) Confirmation No. 4054                  |

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EXPRESS MAIL: EL 976 543 868 US

Date: November 3, 2004

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**RESPONSE TO OFFICE ACTION**

Responsive to the Office Action mailed on October 2, 2004 in connection with the above-identified patent application, please consider the following remarks. A request for a one-month extension of time is included. A request for Continued Examination is included herewith. Attached is a declaration by Paul Polakis.

**Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper

11/08/2004 HALI11 00000102 081641 09904766

02 FC:1251 110.00 DA